

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 65-68 are pending in the present application, Claims 65-68 have been amended. Applicants respectfully assert that support for the non-cosmetic changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.¹

In the Office Action, Claim 65 was rejected under 35 U.S.C. §101 as directed to non-statutory subject matter; Claims 65-68 were rejected under 35 U.S.C. §102(b) as anticipated by Hiroshima (U.S. Patent No. 5,801,781); and Claims 65-68 were rejected under 35 U.S.C. §103(a) as unpatentable over Mori et al. (U.S. Patent No. 5,854,873, hereinafter Mori) in view of Na (U.S. Patent Publication No. 2001/0028780).

With respect to the rejection of Claim 65 under 35 U.S.C. §101 as directed to non-statutory subject matter, Applicants respectfully submit that the amendment to Claim 65 overcomes the rejection.

Applicants respectfully assert that MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Specifically, MPEP § 2106 provides, in relevant part, that

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, Applicants respectfully assert that based on the clear language of this section amended Claim 65 is statutory. Specifically, Applicants respectfully assert that because the

¹ Please see, for example, original Figure 11, as well as corresponding portions of Applicants' originally filed disclosure.

independent claim recites a computer-readable medium encoded with a data structure (i.e., an information storage medium configured to store a data structure, as recited in the independent claim) and recites the interaction of the encoded data structure with a recording/reproducing apparatus, amended Claim 65 defines structural and functional interrelationships, and is therefore statutory.

Additionally, Applicants respectfully assert that MPEP § 2106 further requires that

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully request, for the above reasons, that the rejection of Claim 65 under 35 U.S.C. § 101 be withdrawn. However, if the rejection under 35 U.S.C. § 101 is maintained, Applicants respectfully request that the Examiner provide further explanation of the rejection in accordance with MPEP § 2106.

With respect to the rejection of Claim 65 as anticipated by Hiroshima, Applicants respectfully submit that the amendment to Claim 65 overcomes the rejection. Amended Claim 65 recites, *inter alia*, “a management area, different from the object data area, configured to store management information, the management information including table information....” Hiroshima does not describe or suggest at least this element of amended Claim 65.

As shown in Figs. 6 and 7 of Hiroshima, table information is included in the header located at the object data area for carrying data packs of MPEG. As clarified in amended Claim 65, the management area is different from the object data area. The object data area is configured to include a large amount of MPEG data, while the management area is configured to include a relatively small amount of information for managing the MPEG data of the object area.

Furthermore, amended Claim 65 also recites “said table information of the management information comprises prescribed information of the I-picture information stored in the object data area, said prescribed information being configured to indicate a positional range of the I-picture information in the object data area.” Hiroshima does not describe or suggest this element of amended Claim 65.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 65 patentably distinguishes over Hiroshima. Claims 66-68 are similar to Claim 65 and patentably distinguish over Hiroshima for at least the reasons stated for Claim 65.

With respect to the rejection of Claim 65 as unpatentable over Mori in view of Na, Applicants respectfully submit that the amendment to Claim 65 overcomes this ground of rejection. Amended Claim 65 recites, *inter alia*, “said table information of the management information comprises prescribed information of the I-picture information stored in the object data area, said prescribed information being configured to indicate a positional range of the I-picture information in the object data area.”

As shown in Fig. 16 of Mori, C-PBI data is stored on the disc. However, the C-PBI data of Mori does not include information indicating a positional range of I-picture information in the object data area.

Furthermore, Na does not describe or suggest “said table information of the management information comprises prescribed information of the I-picture information stored in the object data area, said prescribed information being configured to indicate a positional range of the I-picture information in the object data area.”

In view of the above-noted distinctions, Applicants respectfully submit that Claim 65 patentably distinguishes over Mori and Na, taken alone or in proper combination. Claims 66-68 are similar to Claim 65 and patentably distinguish over Mori and Na, taken alone or in proper combination, for at least the reasons stated for Claim 65.

Application No. 09/482,085

Reply to Office Action of July 1, 2005

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)

Scott A. McKeown
Registration No. 42,866

JJK/SAM/JW

I:\ATTY\JW\0039--7513-2S\0039-7513-2S_AM DUE 10-1-05.DOC